

United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARK WU and IVY ZHANG,

Plaintiffs,

v.

ROEL MARTINEZ and TERESA  
MARTINEZ,

Defendants.

Case No. 16-CV-07171-LHK

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND  
REMANDING CASE**

Re: ECF No. 12

This case is an unlawful detainer action that was referred to Magistrate Judge Nathanael M. Cousins. On January 3, 2017, Judge Cousins ordered Defendants to show cause as to why the case should not be remanded back to state court because the removal notice does not establish federal subject matter jurisdiction. ECF No. 7. On January 25, 2017, Plaintiffs moved to remand this case back to state court. *See* ECF No. 8.

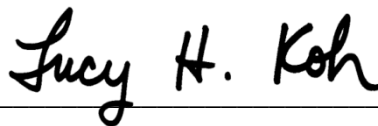
Defendants did not respond to the order to show cause, and Judge Cousins has made a report and recommendation that this case be remanded to state court because this action was improperly removed. *See* ECF No. 12. The Report and Recommendation was filed and served on

1 February 6, 2017. No objections have been filed, and the time to file objections has expired. *See*  
2 Fed. R. Civ. P. 72(b)(2).

3 Having reviewed the Report and Recommendation, as well as the record in this case, the  
4 Court finds that the Report and Recommendation is well-founded in fact and in law and, therefore,  
5 the Court adopts the Report and Recommendation. This case is hereby remanded to the Monterey  
6 County Superior Court.

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8 **IT IS SO ORDERED.**

9 Dated: February 22, 2017



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11 LUCY H. KOH  
United States District Judge

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